

REMARKS/ARGUMENTS

Claims 1-5 are pending in the application.

Claims 1-5 are rejected.

Claims 1 and 5 are currently amended.

Claims Objections

The Examiner has objected to claim 1 for the recitation of “pesticially.” Applicants have amended the language of claim 1 to recite “pesticide.” Applicants respectfully request withdrawal of the objection.

The Examiner has also objected to the claim 5. Applicants have amended claim 5 and request withdrawal of the objection.

Claim Rejections

Claims 1 and 4-5 are rejected under 35 USC §103(a) as being unpatentable over Huijbregts et al. (“Fungicides and Insecticides Applied to pelleted sugar-beet seeds – I. Dose, distribution, stability and release patterns of active ingredients”) in view of McDonald (“Single-Classification ANOVA: Introduction” and Mateos et al. (US 3,996,132) or Kohn et al. (US 5,405,782).

Applicants have amended claim 1. Claim 1 has been amended to define that the pesticide treated seeds are coated seeds. Support for the amendment is found on page 1, lines 14-16.

Applicants respectfully submit that the Huijbregts in combination with cited references fail to render obvious the presently claim invention. Applicants submit that Huijbregts fails to teach a method for determining the single seed loading distribution or two or more pesticides on pesticide treated, coated seeds. Applicants respectfully submit that Huijbregts teaches a certain analytical based methodology on pelleted seed only.

Applicants respectfully submit that the references of McDonald, Mateos and Kohn fail to remedy the deficiencies of the Huijbregts. As such, Applicants respectfully request withdrawal of the rejection and allowance of claim 1.

Regarding dependent claims 4 and 5, where an independent claim is nonobvious under 35 U.S.C. §103, all claims depending therefrom are nonobvious.

Claim 2 is rejected under 35 USC §103(a) as being unpatentable over Huijbregts et al., McDonald, and Matoes or Kohn as applied to Claims1 and further in view of Hutchins et al. (US 4,835,711).

Claim 3 is rejected under 35 USC §103(a) as being unpatentable over Huijbregts et al., McDonald, and Matoes or Kohn as applied to Claims1 and further in view of Classon et al. (US 5,567,309).

As noted above, regarding dependent claims 2 and 3, where an independent claim is nonobvious under 35 U.S.C. §103, all claims depending therefrom are nonobvious.

For the reasons set forth above, Applicants respectfully submit that the present response overcomes all outstanding objections and rejections. Applicants respectfully request allowance of all claims.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1676 in the name of Syngenta Crop Protection, Inc.

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